THE HONOURABLE SRI JUSTICE C.V. RAMULU

Writ Petition No.3121 of 2004

Dated 20th December 2006

Between:

Kapusambham Primary Agricultural Co-operative Society Limited, Garividi Mandal, Vizianagaram District represented by its Person-in-charge/ Chairman Lenka Sreeramulu and others

.. Petitioners

and

The Government of Andhra Pradesh, Co-operation Department represented by its Secretary and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

Writ Petition No.3121 of 2004

Order:

This writ petition is filed seeking a mandamus directing the respondents 2 and 3 to pay the insurance claim to the respective petitioners-societies to the extent of claim not paid to the members of the societies for the Khareef season 2002 by declaring the inaction of the respondents 2 and 3 as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India.

This writ petition is filed by the Primary Agricultural Co-operative Societies of various Mandals in Vizianagaram District. It is their complaint that when loans were advanced to their members, the crop insurance premium was deducted; but the same was not remitted to the General Insurance Company as required. Therefore, the Insurance Company denied their claims when the crops failed. It is their case that similarly situated persons, whose amounts were deducted and credited to the insurance company, have all been granted with claim amount, whereas the petitioners were denied on the ground that the amounts deducted by the bank were not remitted to the Insurance Company.

In this regard, the learned counsel for the petitioners drawn the attention of the Court to a letter addressed to the Branch Manager, District Co-operative Central bank, Cheepurupalli Branch, Vizianagaram District dated 25-08-2003 stating that the amounts collected from some members towards insurance premium were credited to Insurance Company and, therefore, they were paid

compensation; whereas in respect of certain members, though the insurance premium was deducted, the same was not credited to the Insurance Company.

In view of the above, the 2nd respondent is directed to examine as to whether any amounts were collected from the members of the petitioners-societies for the purpose of crop insurance for the Khareef season 2002 and whether the same was credited to the Insurance Company or not. If any amounts were collected and not credited to the Insurance Company, the responsibility shall be fixed on the concerned officer and the members of the petitioners-societies shall be paid compensation on par with others for the failure of the crops for the Khareef season 2002, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

20-12-2006.
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